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16 LIBERTY MUTUAL INSURANCE COMPANY

17 UNITED STATES DISTRICT COURT  
18  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20  
21 SAN FRANCISCO DIVISION

22 LIBERTY MUTUAL INSURANCE )  
23 COMPANY, a Massachusetts Corporation, )

24 Plaintiff, )

25 v. )

26 THE CALIFORNIA AUTOMOBILE )  
27 ASSIGNED RISK PLAN, a program )  
28 established under California Insurance Code )  
section 11620 et seq., and DOES 1 through 20, )  
inclusive, )

29 Defendants. )

30 THE CALIFORNIA AUTOMOBILE )  
31 ASSIGNED RISK PLAN, )

32 Counter-Claimant, )

33 v. )

34 LIBERTY MUTUAL INSURANCE )  
35 COMPANY, a Massachusetts Corporation, )

36 Counter-Defendant. )

CASE NO.: 3:11-CV-01419-MMC-JSC

**STIPULATION AND ~~PROPOSED~~**  
**ORDER REGARDING SCHEDULING**

Judge: Hon. Maxine M. Chesney  
Dept: Courtroom 7, 19th Floor

Trial Date: February 4, 2013

**STIPULATION AND [PROPOSED] ORDER REGARDING SCHEDULING**

Pursuant to Civil L.R. 6-2, Plaintiff/Counter-Defendant Liberty Mutual Insurance Company ("Liberty Mutual") and Defendant/Counter-Claimant The California Automobile Assigned Risk Plan ("CAARP") respectfully submit this Stipulation And Proposed Order Regarding Scheduling .

WHEREAS, Liberty Mutual filed its Complaint on March 24, 2011 (Docket No. 1); CAARP filed its answer and counterclaims on May 20, 2011 (Docket No. 11); and Liberty Mutual filed its answer to CAARP's counterclaims on June 10, 2011 (Docket No. 13);

WHEREAS, on July 8, 2011, the Court, following a Case Management Conference, made a Minute Entry (Docket No. 19), and on July 14, 2011, the Court entered a Pretrial Preparation Order (Docket No. 22), which incorporated the deadlines set in the Court's Minute Entry;

WHEREAS, on February 21, 2012, pursuant to the Parties' stipulation, the Court entered an Order Modifying The Case Schedule (Docket No. 43), which modified the dates in the Court's Pretrial Preparation Order;

WHEREAS, on July 5, 2012, pursuant to the Parties' stipulation, the Court entered an Order Modifying The Case Schedule (Docket No. 57), which modified the dates in the Court's February 21, 2012 Order (Docket No. 43);

WHEREAS, on September 5, 2012, CAARP filed a motion to compel certain documents and discovery responses ("CAARP's Motion to Compel"), the briefing on the motion has been completed, and the motion is set for hearing before Magistrate Judge Jacqueline Scott Corley on October 25, 2012 at 9:00 a.m.

WHEREAS, on October 1, 2012, Liberty Mutual filed its Motion For Summary Judgment (Docket No. 87) that requested a hearing before the Court on November 9, 2012;

WHEREAS, CAARP intends to file its Motion For Summary Judgment on October 12, 2012 and to request a hearing on November 16, 2012;

WHEREAS, the Further Case Status Conference is currently scheduled to take place on October 26, 2012, with the Further Case Status Conference Statement due October 19, 2012;

1 WHEREAS, Objections To Experts designated by both CAARP and Liberty Mutual are  
2 due October 12, 2012;

3 WHEREAS, counsel for Liberty Mutual and CAARP have conferred and agreed upon the  
4 modifications to the schedule, subject to Court approval;

5 WHEREAS, the proposed modifications to the schedule will serve the interest of judicial  
6 efficiency by avoiding the need to have multiple hearings;

7 WHEREAS, the proposed modifications to the schedule will not affect the date for Trial  
8 currently scheduled to begin February 4, 2012;

9 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned as  
10 follows:

- 11 a. HEARING currently set before Magistrate Judge Corley on CAARP's Motion  
12 to Compel for October 25, 2012 shall take place as scheduled
- 13 b. Further Case Management Conference Statement due November 9, 2012
- 14 c. MEET and CONFER between parties (Civil L.R. 16-10(B)(5)) to take place  
15 November 13, 2012
- 16 d. HEARING to take place November 16, 2012 regarding the following matters:
  - 17 1. Liberty Mutual's and CAARP's Summary Judgment Motions
  - 18 2. Further Case Management Conference
  - 19 3. Objections To Expert Witnesses

20 DATED: October 12, 2012

21 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

22  
23 By: /s/ James R. Carroll  
24 JAMES R. CARROLL  
25 Attorney for Plaintiff/Counter-Defendant  
26 LIBERTY MUTUAL INSURANCE COMPANY  
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28

1 DATED: October 12, 2012

2 FARELLA, BRAUN & MARTEL LLP

3  
4 By: /s/ Tyler C. Gerking  
5 TYLER C. GERKING  
6 Attorney for Defendant/Counter-Claimant THE  
CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN

7 **ATTESTATION PURSUANT TO CIVIL L.R. 5-1**

8 I, James R. Carroll, am the ECF User whose ID and password are being used to file this  
9 Stipulation And Proposed Order. In compliance with Civil L.R. 5-1, I hereby attest that the  
10 concurrence in the filing of this document has been obtained from each of the signatories. I declare  
11 under penalty of perjury under the laws of the United States of America that the foregoing is true  
12 and correct.

13 Executed this 12th day of October 2012, at Boston, Massachusetts.

14  
15 By: /s/ James R. Carroll  
JAMES R. CARROLL

16 PURSUANT TO STIPULATION, IT IS SO ORDERED,

17 DATED: October 16, 2012

18  
19 By:   
20 Hon. Maxine M. Chesney  
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